

REMARKS

The Examiner has required restriction of the claims of this application under 35 U.S.C. § 121 into one of the following nine (9) groups:

- I. Claims 1-8 in their entirety, and claims 17-18, 36, 37 and 42 in part as they relate to nucleic acids, vectors, host cells, and solid supports comprising the same, drawn to nucleic acids, vectors, and host cells;
- II. Claim 9, drawn to methods for producing molecular variant polypeptides;
- III. Claim 10, draw to method for producing cells;
- IV. Claim 11, in full, and claims 17-18, 36, 37 and 42 in part, drawn to polypeptides;
- V. Claims 12-14, and claims 17-18, 36, 37, and 42 in part, drawn to antibodies;
- VI. Claims 15-16, drawn to a transgenic non-human animal;
- VII. Claims 19, 29, 30, 32, 33, 34, 35, and 38-41, drawn to methods for detection of SNP and diseases using nucleic acid analysis;
- VIII. Claims 20-28, drawn to methods for identifying drugs and modulators of activity; and
- IX. Claims 31-33 and 38-41, drawn to methods for identifying a polymorphism using polypeptide analysis.

In the Restriction Requirement, the Examiner contends that the inventions of the various groups are distinct for a variety of reasons. Applicants traverse.

Applicants believe that many of these groups could be searched and prosecuted in this application without undue burden. They request reconsideration. As

required, however, applicants elect Group VII – claims 19, 29, 30, 32, 33, 34, 35 and 38-41. Applicants make this election without prejudice to their seeking and obtaining patents on the other groups of inventions in this application or in applications claiming priority or benefit herefrom.

The Examiner has also requested that applicants elect a single DNA sequence (as identified by SEQ ID NO) and that applicants identify which recitation in claim 1(b), 1(c), 1(d), 1(e) and/or 1(f) describe the same sequence. Applicants traverse.

Applicants believe that the Examiner's division of this application into literally thousands of individual subject matters (*i.e.*, sequences) for separate prosecution is unduly burdensome and economically unfeasible for applicants. To be complete, however, applicants elect the polynucleotide having the nucleic acid sequence of SEQ ID NO: 171 *see* claim 1(a). This polynucleotide also has the nucleic acid sequence wherein position 95 of the MRP-1 gene (Accession No: AF022831) has a T to C change. *See* claim 1(c) and (d). This is a silent mutation. Therefore, the encoded amino acid sequence is that of MRP-1.

Consistent with these elections, applicants have withdrawn the claims to the non-elected groups and amended the claims of Group VII to recite the elected polynucleotide. These amendments are without prejudice to applicants' right to seek and to obtain patents to the non-elected sequences and groupings in this or in related applications.

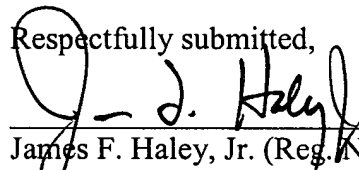
Application No.: 10/627,253
Reply dated August 22, 2006
In Response to March 29, 2006 Restriction Requirement

CONCLUSION

Should the Examiner feel that a telephone conference with applicants' representative would assist the Examiner, she is invited to telephone the undersigned at any time.

Applicants request reconsideration of the Restriction Requirement in this application in view of the foregoing remarks. They also request allowance of the amended claims.

Respectfully submitted,


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